THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 12th September, 2006

W.P.No.3906 of 1995

Between:

M. Chinnaiah & K. Srinivas … Petitioners

and

APSRTC, rep. by its
Zonal Manager, Karimnagar
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.3906 of 1995

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in repatriating the petitioners to their respective depots as arbitrary and illegal and consequently to direct the respondents to continue the petitioners at Zonal Workshop, Karimnagar and treat them as regular staff of Zonal Workshop, Karimnagar with effect from 10-1-1992.

There are two petitioners. Insofar as the first petitioner is concerned, learned counsel for the petitioners, on instructions, submits that the first petitioner is not pressing the Writ Petition. Therefore, the Writ Petition is dismissed as against the first petitioner and now it is confined only to the second petitioner.

It is the case of the 2nd petitioner that he was appointed as a Mechanic in the respondent-A.P. State Road Transport Corporation on 23-12-1987. When he was working at Mancherial Depot, on 22-6-1991, a notification was issued by the respondents calling for options from the Mechanics Grade II for being drafted and absorbed as Artisans at Regional Workshop, Karimnagar. In pursuance of the said notification, the 2nd petitioner opted for being absorbed in APSRTC Regional Workshop at Karimnagar. Thereafter, Proceedings dated 10-1-1992 was issued by the Regional Manager, APSRTC, Karimnagar posting the 2nd petitioner and others at Regional Workshop,

Karimnagar. Immediately, he joined duty. It is the case of the 2nd petitioner that after working for more than 3½ years, the respondents are contemplating to repatriate him to his parent Depot. Therefore, he filed the present Writ Petition. According to the 2nd petitioner, he gave option for foregoing seniority at his Division i.e. Mancherial for being absorbed at Regional Workshop, Karimnagar. Therefore, the efforts made by the respondents at the instance of the rival union, are arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the respondents asserting that the notification dated 22-6-1991 was not given effect to. The proposal to fill up the vacancies at workshop has not been implemented, since the staff at depots are found to be inadequate. The 2nd petitioner was temporarily posted to work at Regional Workshop, Karimnagar vide Order dated 10-1-1992. The said posting was not given basing on the option given by him in pursuance to the notification dated 22-6-1991. The salary of the 2nd petitioner is being drawn and paid at Mancherial Depot and his seniority is being maintained at Divisional level, since he was posted only on relieving duty. Therefore, the 2nd petitioner was redirected to report at the Mancherial Depot on 2-2-1995. The 2nd petitioner was posted at parent depot, on administrative reasons and not on the basis of pressure of any rival union as alleged by him. The notification No.P2/800(1)/95-WM:KR, dated 8-2-1995 is only to conduct trade test from among the cadres of Hammerman, Helpers and Khalasis for appointment as Mechanic Grade II. This notification is for preparing of panels for Mechanic Grade II and Artisans Grade II. The 2nd petitioner was appointed in the Bus Depot and his seniority will be continued at his parent region and the question of continuing him at Zonal

Workshop does not arise.

A reply affidavit has been filed by the 2nd petitioner stating that the assertion made by the respondent-authorities in their counter affidavit that "the proposal to fill up the vacancies at Workshop has not been implemented since the staff at Depot are found inadequate" is not correct. When the respondents forced to repatriate one Ravinder Rao, he filed Writ Petition No.17812 of 1995, wherein the respondent-authorities filed a counter affidavit stating that "as there are no vacancies of Mechanics at Zonal Workshop, Karimnagar and already surplus workmen are found, due to the implementation of the revised incentive scheme, they were forced to repatriate M. Ravinder Rao, to his parent". These two contradictory stands on a similar issue clearly exposes the real intention of the respondents. Further, many other persons like V.Murali, T.Mantham and U. Venkata Ratnam are continuing at Regional Workshop, Karimnagar and denying to implement the notification dated 22-6-1991 in respect of the 2nd petitioner is nothing but trying to send him to his own depot due to pressure tactics adopted by the rival trade union. One Srinivasa Reddy, Mechanic, Adilabad, who was also transferred to Zonal Workshop, Karimnagar is being continued even as on today, even though he has not obtained any order from any Court of law.

Be that as it may, while admitting the Writ Petition, on 6-3-1995 this Court granted interim directions to the respondents to continue the petitioners at Zonal Workshop, APSRTC, Karimnagar. Thus, the petitioner No.2 is still working at Zonal Workshop, Karimnagar. In view of the above and also in view of the reply affidavit filed by the 2nd petitioner, the averments in which are not denied by the respondents, the respondents are directed to consider the absorption of the 2nd petitioner at Zonal Workshop, Karimnagar on par with others, who

were appointed on 1-10-1992 in pursuance of the notification dated 22-6-1991 and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order. Till such time, the 2nd petitioner shall not be transferred from the Zonal Workshop, APSRTC, Karimnagar.

With the above directions, the Writ Petition is disposed of. No order as to costs.

12-9-2006

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